

ATTACHMENTS

Summaries of the Substance of the Interviews held between Exr. Gall, and Applicants's representative held on 14 July and 21 November 2005 are appended as part of this response.

REMARKS

Applicant notes with appreciation the opportunities provided by Examiner Gall to discuss the application in the course of telephonic interviews of 14 July and 21 November, 2005. Appended hereto are Applicant's summaries of the substance of interview related to these discussions. By way of this amendment, claims 5, 20 and 22 have been amended. Claim 24 has been cancelled. Support for the amendments of the claims is found within the claims as originally filed and as such, assuming that no new matter has been added by way of this amendment.

Currently, drawings are objected to as lacking reference numerals 15 and 17 consistent with the amendments to the specification. In response to this objection, corrected drawing sheets in compliance with 37 CFR §1.121(d) are provided herewith. Additionally, claims 5, 20 and 22 are objected to with respect to the "depressed" geometric shape relationship relative to the base claim. With respect to claim 20, line 11, the "plane" is deemed to be ambiguous; and the term "other wall" found at line 12 and is found to lack antecedent basis; and the term "tactile feature" found at lines 12-13 has been found to be referentially ambiguous. Additionally, claim 22 is noted to require dependency from claim 21. In response to these objections, claims 5, 20 and 22 have been amended as to address these informalities. As such, the objection to claims 5, 20 and 22 are deemed no longer to be proper.

Claims 1-4, 6, 8, 9 and 12-23 currently stand rejected under 35 U.S.C. §103(a) over DM/059931, in view of Lesko (both references already of record). Claim 5 stands rejected under

35 U.S.C. §103(a) with the DM reference, in view of Lesko, and further in view of additional teachings of either of these references. Likewise, claim 7 is rejected over the DM reference in view of Lesko, as applied in claim 6, and further in view of additional teachings of the DM reference. Lastly, claim 11 stands rejected under 35 U.S.C. §103(a) over the DM reference, in view of Lesko, and further in view of Sheldon (already of record).

Remarks Directed to Claim Rejections Under 35 U.S.C. §103(a)

The rejection of claims 1-4, 6, 8, 9 and 12-23 is premised on the DM reference, figures 6.2, 6.3, 2.2 and 2.3, defining apertures and the register with the opening in the key head. Tactile features on both side walls define the key cover, as well as on the bottom edges of the sidewalls, and which “define a rear contact plane which is secured to the sidewalls throughout the rear contact plane, a house icon is shown in Fig. 6.3.” (Paper No. 2005-0925). Lesko is cited to bolster the teachings of the DM reference through reference to the key head depicted therein in Figure 1 with tactile features thereon, “which is formed of a single material, which may be thermoplastic as set-forth in column 2, line 58.” (Paper No. 2005-0925, page 4, lines 1-2). As such, the rejection continues, “it would have been obvious to form a tactile cover of the DM reference of a single (thermoplastic) material, in view of the teaching of Lesko, the motivation being a simplified production, and molding key heads and key head covers is well-known in the key art.” (Paper No. 2005-0925, page 4, lines 2-6).

In response to this rejection, Applicant submits that pending claim 1 is non-obvious over the art of record on the basis that the prior art reference combination fails to yield the claimed invention.

Claim 1, in pending form, recites, “a tactile feature defining a rear contact point integrally formed on the plane of the first sidewall, said tactile features secured to the first sidewall

throughout the rear contact point.” Reference is made to the declaration of Alaina Casilini dated 24 November 2004, identifying the DM reference as combining a separate tactile feature with a sidewall through welding or braising. The integral formation of the tactile feature with the first sidewall, according to pending claim 1, as such, is not submitted to be found within the DM reference. Rather, brazing or welding, while providing localized, usually edge fusion between metal components, does not afford the monolithic relationship of a tactile feature relative to the first sidewall, as recited in claim 1. Additionally, brazing or welding are, often best accomplished through resort to a flux, to facilitate localized fusion between the metal components. This flux and heating can form discolorations associated with the resulting joint, while the overall process of welding or brazing is highly time consuming and skilled work. Lesko provides no additional teaching to bolster limitations to the DM reference with this regard.

Claim 1 also includes the limitation that “the first sidewall, the second sidewall, the outer wall, and the tactile feature are all formed of a single material selected from the group consisting of “a metal and a thermoplastic.” Lesko has been relied on as part of the obviousness rejection as teaching tactile features formed on a key head of a single material which may be thermoplastic, referencing column 2, line 58.

Applicant submits that, in fact, the reliance on Lesko for this point is misplaced. Attention is drawn to the sentence standing at column 1, line 67 – column 2, line 2 of Lesko that states, “all keys are made of brass so that all operations from manufacture to punching a hole and breaking off tabs 14 are easily performed.” It is the key (identified in Lesko at reference numeral 10) is made of brass, the area 17 (detailed with respect to Figure 4) is therefore necessarily defined by brass that tapers from the full key thickness to that of area 17 and define a chamber 16 (*see* column 1, lines 63-65). As such, the relief detailed in Lesko to accommodate a nail (reference

numeral 15) penetrating area 17 and to accommodate broken brass freed from the key 10 in the process are submitted to be formed of thermoplastic, a thermo-set polymer, or other suitable element.” (Column 2, lines 57-59). To adopt another reading of the relief of Lesko, the key depicted in Figure 1 of Lesko with tactile features is completely made of thermoplastic and ignores the unambiguous statement that all keys are made of brass. Alternatively, to identify the relief itself as being formed of brass would destroy the function of the relief of preventing broken brass from penetrating the backside of the chamber 16 that potentially could cut the finger of a user.

As a result, it is respectfully submitted that the combination of the DM reference and Lesko, upon combination, fails to yield “a tactile feature defining a rear contact plane integrally formed on the plane of the first sidewall, said tactile feature secured to the first sidewall throughout the rear contact plane, wherein the first sidewall, second sidewall, outer wall, and tactile feature are all formed of a single material selected from the group consisting of: a metal and a thermoplastic.” As a result, claim 1 and those claims that depend therefrom are submitted to be non-obvious over the prior art of record.

The above remarks are likewise considered applicable to the patentability of the key ring of claim 11 and by process, claims delineated in claims 12-19.

In light of the above remarks, reconsideration and withdrawal of the rejection as to claims 1-4, 6, 8, 9 and 12-23, under 35 U.S.C. §103(a), over DM/059931, in view of Lesko, is respectfully requested.

With regard to the rejection of claim 5 under 35 U.S.C. §103(a), this claim is believed to be allowable on the basis of dependency from base claim 1 and is now believed to be in allowable form. Additionally, it is noted in the instant specification, the purpose of an inventive key cover is

to facilitate communication between the users of a shared key and as such, a descriptor of a tactile feature as being raised or depressed relative to the plane of the sidewall; as a meaningful descriptor, it can be used to identify a particular key without visual reference. By way of example, a raised house icon might cover a key for the front door of a house, while a depressed secondary feature associated with the icon, might denote the key for the back door to the dwelling. Claim 5, in amended form, depends from claim 1 and recites the addition of an additional "geometric-shape depressed relative to the plane of the first sidewall." It is respectfully submitted that the submission of a depressed, geometric shape to the first sidewall, in addition to the tactile feature, is nowhere found in the DM reference, alone or in combination with Lesko, and as such, this feature is submitted to represent an independent basis for the allowability of claim 5.

Claim 7 is submitted to be patentable over the DM reference, in view of Lesko, and further in view of the DM reference, on the basis of dependency from claim 1. Claim 1 is now believed to be in allowable form on the basis of the above remarks.

Summary

Currently, claims 1-9 and 23 are pending in the application. By way of this amendment, claims 5, 20 and 22 have been amended. Claim 24 has been cancelled. Reconsideration and allowance of the pending claims is solicited. Should the Examiner have any suggestions as to how to improve the form of the claims, it is respectfully requested that he contact the undersigned attorney in charge of this application.

Respectfully submitted,



Avery N. Goldstein
Registration No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.

Serial No. 10/680,747
Response to Office Action of 27 September 2005

2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021
(248) 647-6000

Attorney for Applicant

Summary of the Substance of Interview for the Interview of 14 July 2005

A telephonic interview was held on this date between Examiner Gall and Applicant's representative, Avery Goldstein. The interview was telephonic and consisted of a discussion of the prior art references, International Register of Industrial Design DM/059 931, and Cicourel. Applicant's representative proposed claim amendments that were manifest in the amendment filed 6 September 2005. No agreement was reached during the course of this interview and no demonstrations were provided herewith.

Summary of the Substance of Interview of 21 November 2005

A telephonic interview was held between Examiner Gall and Applicant's representative, Avery Goldstein. The interview was telephonic during which no demonstrations were provided. The proposed amendments to the claims in regard to the outer wall were discussed. Applicant's representative offered an alternate reading of the Lesko reference embodied in the attached amendment. Examiner Gall agreed to consider such an interpretation upon formal submission. DM/059 931 was also discussed to the extent that the pending claims are directed to a unitary key cover, while those of the prior art were again highlighted by Applicant's representative as being multi-component pieces that are braised or welded together. No agreement was reached in the course of the interview.

ANG/aka

Serial No. 10/680,747

Response to Office Action of 27 September 2005

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER EV 669541404 US

DATE OF DEPOSIT December 27, 2005

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Erica L. Triner
Erica L. Triner

Serial No. 10/680,747

Response to Office Action of 27 September 2005

AMENDMENTS TO THE DRAWINGS

Replacement sheet 1 is provided herewith, inclusive of reference numerals 15 and 17, so as to be consistent with the application text.